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All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

-- Article 1, Section 1, New Jersey State Constitution

The Founders' Second Amendment: Origin of the Right to Keep and Bear Arms

Recent years have seen a sea change in scholarship on the Second Amendment. Beginning in the 1960s, a view emerged that individuals had a "right" to bear arms *only* in militia service—a limited, "collective" right. But in the late 1980s Dr. Stephen Halbrook and a handful of other scholars began producing analyses so persuasive that today, even in canonical textbooks, bearing arms is acknowledged as an *individual* right.

Stephen Halbrook's *The Founders' Second Amendment* is the first book-length account of the origins of the Second Amendment, based on the Founders' own statements as found in newspapers, correspondence, debates, and resolutions. Halbrook investigates the period 1768 to 1826, from the last years of British rule to the adoption of the Constitution and the Bill of Rights. His book offers the most comprehensive analysis of the arguments behind the drafting and adoption of the Second Amendment, and the intentions of the men who created it.

With Redcoats sailing to occupy Boston in 1768, it was feared that "the Inhabitants of this Province are to be disarmed," they would be "governed by Martial Law," and patriots "are to be seized and sent to Great-Britain." This set the tone that exploded in 1775 when Gen. Thomas Gage sent British troops to seize the colonists' arms at Lexington and Concord. Defeated there, Gage confiscated the firearms of the people of Boston, a grievance highlighted by the Continental Congress in justifying what became the Revolutionary War.

When Independence was declared in 1776, the states began adopting bills of rights, several of which recognized "the right of the people" to have arms for various purposes, such as self defense and the common defense. The liberty of bearing arms was universally recognized. Also, militias composed of all male citizens were seen as necessary counterweights to the threat of a standing army.

The Constitution was proposed in 1787 without a bill of rights. Federalists and Antifederalists fiercely battled over the issue. In the first state ratification conventions, the Federalists defeated demands for recognition of the rights to free speech, assembly, and bearing arms. But the tide turned in Virginia, where Patrick Henry and George Mason prevailed in persuading the convention to demand a bill of rights.

A great compromise was reached when the Federalists and Antifederalists concurred that the Constitution would be ratified on the understanding that the first Congress would consider amendments, which James Madison drafted and became the Bill of Rights in 1787. Federalists explained that what became the Second Amendment would protect the right of the people to keep and bear their private arms, which would guard against tyranny and the evils of a standing army. However, proposals to increase state militia powers were rejected.

Thomas Jefferson, a life-long hunter and gun collector, wrote just before his death in 1826 that "all power is inherent in the people; . . . it is their right and duty to be at all times armed." The understanding by his generation of the Second Amendment

was clear and unmistakable—as its text states, it recognizes "the right of the people" to possess and carry arms. The Constitution defines the respective powers of the federal and state governments, but the ten amendments known as the Bill of Rights speaks largely of individual rights. The Second Amendment is no exception.

-- Dr. Stephen P. Halbrook is Research Fellow at the Independent Institute, from which *The Founders' Second Amendment* is available. His many books also include *That Every Man Be Armed: Evolution of a Constitutional Right*.

Judges: Precedent yes, Constitution no

Fairfax, Va. — Today, the National Rifle Association filed a petition for certiorari to the U.S. Supreme Court in the case of *NRA v. Chicago*. The NRA strongly disagrees with yesterday's decision issued by a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit, holding that the Second Amendment does not apply to state and local governments.

"The Seventh Circuit got it wrong. As the Supreme Court said in last year's landmark *Heller* decision, the Second Amendment is an individual right that 'belongs to all Americans'," said Chris W. Cox, NRA chief lobbyist.

The Seventh Circuit claimed it was bound by precedent from previous decisions. However, it should have followed the lead of the recent Ninth Circuit Court of Appeals decision in *Nordyke v. Alameda County*, which found that those cases don't prevent the Second Amendment from applying to the states through the due process clause of the Fourteenth Amendment."

This Seventh Circuit opinion upholds current bans on the

possession of handguns in Chicago and Oak Park, Illinois.

-- NRA/ILA Alert June 3, 2009

Paranoia not fueling gun sales; it's the other way around

To the partisan press, gun prohibitionists and even some in law enforcement, rightwing paranoia about the economy, a Democrat-controlled Congress and an Obama White House is fueling the land office business in guns and ammunition.

Considering State Sen. Tim Sheldon's observations about citizens taking care of themselves in an environment of law enforcement cutbacks, instead of questioning why so many people are buying guns, the more logical query would be, "Why aren't more people arming themselves?"

Despite Barack Obama's half-hearted assurance in Mexico City that he will not seek renewal of the so-called "assault weapons" ban his track record and the people surrounding him send a different message. Sen. Dianne Feinstein said on CBS' 60 Minutes April 12 that she would "pick the time and the place" to reintroduce that piece of trophy legislation.

There is a concerted campaign to push for more gun laws, primarily the semi-auto ban and a crackdown on gun shows. We had the April 10 ABC hit piece "If I had a gun" with Diane Sawyer, Lesley Stahl's far more balanced piece on 60 Minutes, a big piece in Newsweek, stories on KING, the Times and on-line P-I.

Guns are a great diversion from the economic disaster being created by the "Obama Stimulus Package." What better way to keep people's minds off the fact that they may lose their jobs, their homes, and their kids' future than by worrying them about people who are buying guns?

Kristen Comer of Washington CeaseFire, Snohomish County Sheriff's spokeswoman Rebecca Hover and Mason County Sheriff Casey Salisbury and Chief Deputy Dean Byrd have contributed to this air of "paranoia." Comer and Hover are worried about more suicides and gun accidents, while Salisbury and Byrd pretty much predicted a wave of vigilantism. All of these issues are red herrings.

Comer, who seems like a nice lady, should check with Michigan, where six years of concealed carry

reform have correlated with a reduction in violent crime and suicide. Hover knows that the case involving a drunken fool who shot his 6-year-old daughter will be handled by the courts. Salisbury and Byrd are essentially trying to protect their turf during a budget crisis while suggesting that self-defense is somehow outside the parameters of existing state statute. That is nonsense and they know it.

All of this gun-buying has the Left alarmed, because it shows that years of rhetoric cannot overcome the survival instinct. When people think rough times are coming, they're going to fall back on self-reliance, and they're going to arm themselves.

The attack currently being waged by NY City Mayor Michael Bloomberg to close the so-called "gun show loophole" is built on a false premise. Sueng-Hui Cho [the Virginia Tech killer] didn't get his guns at a gun show. Neither did Steven Kazmierczak, the Northern Illinois University killer, who bought his guns at a gun store. Nor did Matthew Murray, the gunman in Colorado Springs, who was shot by a private citizen before he could open fire in the church sanctuary. Likewise, Trolley Square gunman Sulejman Talovic in Salt Lake City two years ago didn't get his guns from a gun show, either.

A crackdown on gun shows would be just another piece of trophy legislation for the gun prohibition movement whose policies of citizen disarmament have given us nothing but a body count.

If anyone wants to point a finger of blame for the rise in gun sales, point it at Feinstein, point it at Obama for his anti-gun voting record, point it at a Democrat Congress that has presided over a meltdown of the economy, point it at local governments that are cutting police and sheriffs departments.

But don't accuse Americans of paranoia. They are merely doing the prudent thing: Preparing for the worst while hoping for the best. They are exercising their constitutionally-protected individual right to keep and bear arms. They are not vigilantes. Nor are they "rightwing extremists." They are your neighbors, friends and maybe even family members.

-- Seattle Gun Rights Examiner, www.examiner.com, April 17, 2009

Supreme Court narrows police search power

The U.S. Supreme Court announced a major change to the law related to the search of a motor vehicle. In *Arizona v. Gant*, the Justices ruled that police may search a motor vehicle following the arrest of a recent occupant only if the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search. The Court also ruled that a search for evidence inside the vehicle following an arrest will be considered constitutionally valid only when it is reasonable for the police to believe that evidence relevant to the offense triggering the arrest might be found within the vehicle.

In *Gant* a driver was arrested for driving on the revoked list. The police secured him inside of a police car and then searched the vehicle and located a controlled, dangerous substance.

The Court found that since the defendant had been secured in a police car in handcuffs, he had no possibility of grabbing any type of weapon from the vehicle. Moreover, the police could not reasonably locate any evidence related to the offense of driving on the revoked list by searching the vehicle.

The *Gant* decision dramatically changes the law as announced in *New York v. Belton*, 453 U.S. 454 (1981), which suggested that police could search a motor vehicle for weapons and evidence every time a recent occupant had been arrested. *Belton* has been the subject of widespread criticism by Courts of Appeal and legal scholars. Indeed, the New Jersey Supreme Court noted this criticism of *Belton* in *State v. Pierce*, 136 N.J. 184 (1994). Ultimately it completely departed from *Belton* on state constitutional grounds in *State v. Eckel*, 185 N.J. 523 (2006).

Thus, although today's holding will not affect current police procedures in New Jersey due to the *Eckel* ruling, it will dramatically affect thousands of police agencies where the *Belton* rule has been the prevailing law.

-- muni.mail.us@gmail.com, April 21, 2009

FCC claims right to warrantless search

You may not know it, but if you have a wireless router, a cordless phone, remote car-door opener, baby monitor or cellphone in your house, the FCC claims the right to enter your home without a warrant at any time of the day

In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. – Mark Twain

or night in order to inspect it.

Those are the rules the agency has followed to monitor licensed television and radio stations, and to crack down on pirate radio broadcasters.

"Anything using RF energy — we have the right to inspect it to make sure it is not causing interference," says FCC spokesman David Fiske. That includes devices like Wi-Fi routers that use unlicensed spectrum, Fiske says.

The FCC claims it derives its warrantless search power from the Communications Act of 1934, though the constitutionality of the claim has gone untested. By 2009, nearly every household in the U.S. has multiple devices that use radio waves and fall under the FCC's purview.

"It is a major stretch beyond case law to assert that authority with respect to a private home, which is at the heart of the Fourth Amendment's protection against unreasonable search and seizure," says Electronic Frontier Foundation lawyer Lee Tien.

George Washington University professor Orin Kerr, a constitutional law expert, also questions the legality of the policy.

"The Supreme Court has said that the government can't make warrantless entries into homes for administrative inspections," Kerr said via e-mail, referring to a 1967 Supreme Court ruling (*Camara v. Municipal Court*, 387 US 523) that housing inspectors needed warrants to force their way into private residences.

The rules came to attention this month when an FCC agent investigating a pirate radio station in Boulder, Colorado, left a copy of a 2005 FCC inspection policy on the door of a residence hosting the unlicensed 100-watt transmitter. "Whether you operate an amateur station or any other radio device, your authorization from the Commission comes with the obligation to allow inspection," the statement says.

The notice spooked those running "Boulder Free Radio," according to one of the station's leaders, who spoke to *Wired.com* on condition of anonymity. "This is an intimidation thing," he said. "I'm not going to let them into my house."

But refusing the FCC admittance can carry a harsh financial penalty. In 2007 a Corpus Christi, Texas, man rebroadcasted an AM radio station through a CB radio in his home. An FCC agent tracked the signal to his house and asked to see the equipment. Donald Winton said no and was fined \$7,000 for refusing entry.

Administrative search powers are not rare — fire-safety, food and workplace-safety regulators generally don't need warrants to enter a business. And despite the broad power, FCC agents aren't cops, says Fiske. "The only right they have is to inspect the equipment," Fiske says. "If they want to seize, they have to work with the U.S. Attorney's office."

In the meantime, pirate radio stations are adapting to the FCC's warrantless search power by dividing up a station's operations. For instance, Boulder Free Radio consists of an online radio station operated by DJs from a remote studio. Miles away, a small computer streams the online station and feeds it to the transmitter. Once the FCC leaves a notice on the door, the transmitter is moved to another location before the agent returns.

-- www.wired.com May 21, 2009

Trillions for CFR Donors

By Thomas R. Eddlem

Newspapers are fixated upon \$160 million in bonuses given to American International Group (AIG) executives courtesy of the taxpayers.

But where are the trillions in TARP, TALC and Federal Reserve Bank bailout funds going? The man in charge of the bailouts is Treasury Secretary Timothy Geithner, who served as a staff member of the New York City-based Council on Foreign Relations (CFR) before being hired in 2003 to head the New York branch of the Federal Reserve Bank (Fed). He was Alan Greenspan's number two man at the Fed, so Geithner is as responsible as anyone for facilitating the severity of the real estate and financial bubble. After all, the Fed was the driving force behind the bubble, inflating it larger and larger through extremely low interest rates and an inflationary easy-money policy.

Under Geithner and his predecessor at Treasury (former Goldman Sachs CEO Henry "Hank" Paulson), most of the bailout funds have been awarded to donors to Geithner's former employer: the CFR.

Here's a survey of TARP bailout awards to the CFR's corporate members (there are only a few more than 200 corporate members at all levels):

Among the "Founders," those who give \$100,000 or more to the CFR:

-American Express Company: \$3.389 billion TARP

Goldman Sachs: \$10 billion TARP, plus a separate Federal Reserve

bailout and more than \$13 billion of the allotment to AIG (below)

Merrill Lynch: \$45 billion through its corporate parent, Bank of America, which is also a CFR corporate member, plus \$6.8 billion of AIG's bailout funds

"President's Circle" CFR members (\$60,000 or more:

AIG: \$182 billion in TARP/TALF funds to date

Citibank: \$50 billion TARP

Morgan Stanley: \$10 billion TARP

Premium members (\$30,000 or more to CFR):

Bank of New York/Mellon Corporation: \$3 billion TARP

Freddie Mac: Sharing with Fannie Mae \$1.25 trillion — that's \$1,250 billion — in mortgage securities being purchased from the Federal Reserve Bank

Chrysler: \$4 billion TARP, plus \$1.5 billion TARP for Chrysler Financial

JP Morgan Chase: \$25 billion TARP

CIT Group: \$2.33 billion TARP

That's more than \$1 trillion in bailout funds for CFR corporate members, easily the lion's share of the total bailout funds awarded to date.

So why is no one asking questions about why most of the funds are going to the former employers of our Treasury secretaries? Perhaps because many of the entities who should ask "why" are also CFR corporate members. Among the financial press, the CFR counts among its members Bloomberg, General Electric (NBC, CNBC, MSNBC), News Corporation (Fox, Fox Business), Standard and Poor's, ABC News, Time Warner (CNN, Time Magazine, etc.), Moody's, and McGraw Hill (book publishers).

Why are the people who brought us this financial crisis the same ones who are bringing us the "cure," and why does that cure involve bailing out the former employers of the people making the decisions.

The Irreplaceable Mrs. Obama

Some employees are simply irreplaceable. Take Michelle Obama, for example. The University of Chicago Medical Center hired her in 2002 to run "programs for community relations, neighborhood outreach, volunteer recruitment, staff diversity, and minority contracting." In 2005 the hospital raised her salary from \$120,000 to \$317,000--nearly twice what her husband made as a U.S. senator. Oh, did we mention that he had just become a U.S. senator? He sure had. Requested a \$1 million

earmark for the UC Medical Center, in fact. Way to network, Michelle! But now that Mrs. Obama has resigned, the hospital says her position will remain unfilled. How can that be, if the work she did was vital enough to be worth \$317,000? We can think of only one explanation: The wife of Sen. Obama's replacement, Roland Burris, wasn't interested.

-- National Review, Feb. 9, 2009

OFFICER SAFETY ALERT - SMITH & WESSON M&P PISTOLS

EFFECTIVE IMMEDIATELY, THE SMITH & WESSON 9MM M&P FULL SIZE PISTOL IS NO LONGER AN AUTHORIZED OPTIONAL ON-DUTY PISTOL.

EFFECTIVE IMMEDIATELY, THE SMITH & WESSON 9MM M&P COMPACT PISTOL IS NO LONGER AN AUTHORIZED OPTIONAL OFF-DUTY PISTOL.

SINCE FIRST APPROVAL ON DECEMBER 10, 2008, THE FULL-SIZED AND/OR COMPACT VERSIONS OF THE 9MM SMITH & WESSON M&P PISTOL HAVE BEEN DEPLOYED BY 49 SWORN PERSONNEL ON AND OFF DUTY. ONE OF THESE PISTOLS WOULD NOT EJECT SPENT CARTRIDGE CASINGS. ANOTHER EXPERIENCED A BARREL FAILURE. AFTER FIRING LESS THAN 10,000 ROUNDS OF TRAINING AMMUNITION THE BARREL BROKE INTO TWO PIECES.

ADDITIONALLY, A SIGNIFICANT NUMBER OF DEPUTY ACADEMY CLASS #377 RECRUITS WITH ISSUED NEW SMITH & WESSON 9MM M&P FULL-SIZE PISTOLS HAVE EXPERIENCED PHASE-2 PISTOL MALFUNCTIONS, CAUSED BY SPENT CASINGS FAILING TO EXTRACT FROM BARREL CHAMBERS. CLASS #377 RECRUITS WILL BE ISSUED BERETTA 92FS PISTOLS ON WEDNESDAY APRIL 29, 2009, AND THEIR M&P PISTOLS REMOVED FROM SERVICE.

LEROY D. BACA, SHERIFF, LOS ANGELES COUNTY

Commentary: Do ya think that, just maybe, The Great Upstairs Range Master has weighed in, on our side, against the S&W 2nd Amendment Traitors.

Ya think?

Larry Farrell
Gun Owners of New Jersey
908-277-1111

Stop Protecting the Jihadists

By Steven Emerson

Confidential informants like the one who brought down the would-be Bronx synagogue attackers have saved countless lives. So why are American Islamic organizations working to sabotage them?

Just when threats of terrorism had seemingly disappeared, Americans woke up Thursday morning to hear about four radical Muslims who plotted to bomb two synagogues in New York and shoot down a military plane using a Stinger missile. Fortunately, the FBI had infiltrated the plotters with a confidential informant who learned of the plan.

But Jews were not the only target. According to the FBI document, would-be terrorist Onta Williams said the U.S. military "are killing brothers and sisters in Muslim countries so if we kill them here with IEDs and Stingers, it is equal."

There are several lessons that the U.S. government and public should finally learn from this plot.

The first is that the threat of home-grown terrorism is very real. The arrests come on the heels of convictions in a plot that targeted Fort Dix, N.J. and one that sought to establish a jihadi training camp in Oregon.

All three cases ended without anyone being hurt—with the assistance of FBI informants.

Despite this record of success, protests have been held by "mainstream" Islamic groups in California, Detroit, Chicago, and elsewhere during the past few months bitterly protesting the FBI's use of an informant in a California mosque. In that case, an FBI agent testified that Ahmadullah Niazi had been trying to recruit jihadists. He allegedly exhorted the informant to carry out jihad, and even promised to send him overseas to get terrorist training to carry out attacks here in the United States.

The Council on American-Islamic Relations and the Muslim Public Affairs Council have accused the FBI of sending the informant on a directionless fishing expedition. They promoted the lie that the FBI has been infiltrating mosques and actually radicalized the members and exhorted them to carry out jihad. Niazi, however, clearly was identified as the promoter of jihad by the FBI. He allegedly lied about his communication with his brother-in-law, who provided security to bin Laden.

After news of the Fort Dix arrests in 2007, with references to an informant's role, Niazi sought a restraining order against the informant

monitoring him. The FBI agent, Thomas Ropel, testified that Niazi repeatedly lied to him about the informant's statements and actions. CAIR officials have accepted all of Niazi's claims and passed them along to the media.

Well, I have news for these Islamist groups and the gullible mainstream media: Scores of mosques have been linked to terrorist investigations, indictments, convictions, and deportations. In most cases, it was not the mosque leadership that pointed out the potential terrorists among them. In return, confidential informants have been vilified as "snitches" by the mosque leadership.

After the prosecution of a Lodi, Calif., man who attended a jihad training camp, lied about it to the FBI, and plotted to "carry out acts of terrorism in the United States," MPAC chief Salam Al Marayati warned the FBI not to come through the "back door" and "spy" on mosque congregants, asserting that the FBI had to go through the front door; i.e., get formal permission before the FBI could ask questions. We can only wonder how far the Lodi plot would have advanced had law enforcement acquiesced.

Instead of being forthcoming about the radical presence in their mosques, Islamist activists urge mosque congregants to keep their mouths shut.

We should not be surprised to find new examples of radical ideology that continue to fester in the Islamist leadership—controlled largely by the Muslim Brotherhood or the Wahhabis in this country—and to instigate groups like the Fort Dix and other homegrown Islamic terrorists into carrying out violent attacks. What is surprising is that we have consistently refused to learn that these jihadists need to be fully identified and condemned as radicals. And we have to recognize that the leadership of national Islamist organizations—the same ones who falsely claim we are carrying out a war against Islam—have consistently protected the jihadists.

How many examples does it take to show the threat is far more virulent than the self-anointed spokesmen at CAIR and MPAC claim?

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<http://nationalwriterssyndicate.com/content/view/1089/2/>, May 22, 2009

Steve Emerson is executive director of the Investigative Project on Terrorism and author of five books on terrorism. His most recent book is *Jihad Incorporated: A Guide to Militant Islam in the U.S.*

"We either live under the light of Islam or we die with dignity ... brace

yourselves for a long war against the world's infidels and their agents," bin Laden said in the recording posted on an Islamist website on Thursday.

"If a Muslim became an ally of the infidels and backed them against Muslims his faith would be annulled and he would become an apostate infidel," said bin Laden.

"Do not take Jews and Christians as allies ...," said the Saudi-born militant, adding fighting Muslim Pakistani soldiers was not sacrilegious as they were implementing U.S. policies.

--Al Qaeda leader Osama bin Laden, in recorded remarks, parts of which had been aired by Al Jazeera television on June 3

-- Reuters June 4, 2009

Guns and death rates

WASHINGTON -- States in the South and West with weak gun laws and high rates of gun ownership lead the nation in overall firearm death rates according to the Violence Policy Center (VPC).

The VPC analysis uses 2005 data (the most recent available) from the Center for Disease Control's National Center for Injury Prevention and Control. The five states with the highest per capita gun death rates were Louisiana, Alaska, Montana, Tennessee, and Alabama, far exceeding the national per capita gun death rate of 10.32 per 100,000.

By contrast, states with strong gun laws and low rates of gun ownership had far lower rates of firearm-related death. Ranking last in the nation for gun death was Hawaii, followed by Massachusetts, Rhode Island, New Jersey, and New York. (See <http://www.vpc.org/fadeathchart.htm> for a ranking of all 50 states.)

States with the Five HIGHEST Per Capita Gun Death Rates

Louisiana--Rank: 1; Household Gun Ownership: 45.6 percent; Gun Death Rate: 19.04 per 100,000.

Alaska--Rank: 2; HGO: 60.6 percent; GDR: 17.49

Montana--Rank: 3; HGO: 61.4 percent; GDR: 17.22

Tennessee--Rank: 4; HGO: 46.4 percent; GDR: 16.39

Alabama--Rank: 5; HGO: 57.2 percent; GDR: 16.18

States with the Five LOWEST Per Capita Gun Death Rates

Hawaii--Rank: 50; Household Gun Ownership: 9.7 percent; Gun Death Rate: 2.20

Massachusetts--Rank: 49; HGO: 12.8 percent; GDR: 3.48

Rhode Island--Rank: 48; HGO: 13.3 percent; GDR: 3.63

New Jersey--Rank: 47; HGO: 11.3 percent; GDR: 4.99

New York--Rank: 46; HGO: 18.1 percent; GDR: 5.28

-- VPC press release April 24, 2009

Ed.: for some reason VPC lumped in murder and other unlawful gun-related homicides with suicide and justifiable homicides by police and private citizens.

Hunters no friend of the 2d Amendment

If a politician tells you that he's in favor of the Second Amendment because he's a hunter - he is no friend of the Second Amendment. ***Here is the dirty little secret of the Second Amendment that you never learned in public schools.*** The Second Amendment was written to give you the right to shoot at the government when it becomes tyrannical. -- Judge Andrew Napolitano

States rights' rears its head

Montana has passed a law allowing local gun manufacturers to sidestep federal regulations as long as the weapons they make are sold within the state. "It's a gun bill, but it's another way of demonstrating the sovereignty of the state of Montana," Democratic Governor Brian Schweitzer said.

In Texas a similar bill is in committee. Tennessee and Alaska "Firearms Freedom Acts" are working their way through the process

The Montana law was drafted by the Montana Shooting Sports Association, which plans to find a pristine individual who will manufacture and sell 20 rifles without applying for a mandatory federal dealer's license. The right to do so would be asserted in a letter to the Bureau of Alcohol, Tobacco and Firearms. If the BATF responds unfavorably the association would litigate the matter.

"It is part of the populist state-sovereignty movement, the sense there is so much power in Washington," says Stephen P. Halbrook, a Virginia attorney who has argued several important Second Amendment cases before the Supreme Court.

It is likely the Montana law will follow the same track as the landmark *Printz v. United States* case, which Halbrook argued successfully before the Supreme Court. *Printz* challenged the constitutionality of requiring local enforcement officers to perform background checks required by the federal Brady Act regulating handgun

sales. In 1997, four years after the Brady Act passed, the Supreme Court upheld the district court's ruling that the law was unconstitutional.

The Montana law is unconstitutional based on *Wickard v. Filburn* regulating interstate commerce, according to Paul Helmke, president of the Brady Campaign to Prevent Gun Violence. The courts have ruled that even if a farmer grows his wheat locally and sells it to a local buyer, the transaction is governed by interstate commerce because his actions affect the entire marketplace — including, most importantly, the ability of a farmer in a neighboring state to sell his wheat across state lines.

"I am asking, What are the federal rules they don't like? There are not that many federal laws on guns," Helmke said. States' rights arguments echo debates heard as far back as the 1830s. "That was settled with the Civil War," Helmke says. "They are part of the Union, and there are rules when you are part of the Union."

The Montana law will go into effect Oct. 1, and the ensuing legal battle will be long, perhaps three years or more, Halbrook says. Helmke expects the Brady Campaign to join the fight. The *Printz* decision was a 5-4 split with the majority opinion written by Justice Antonin Scalia, but this latest challenge could be heard by a court sitting in Obama's second term or his successor's, meaning it will likely be a court with a different lineup.

-- www.time.com/time/, May 21, 2009

Israel Putnam and the U.S. Army Rangers

By William Rosenfeld

Regarding Arthur Herman's review of John F. Ross' "War on the Run" (Books, May 22): While it's true that Robert Rogers was the historical founder of the U.S. Army Rangers, a better role model would be Israel Putnam, who became a major in the Rangers of that time. In his 1788 biography of Putnam, Col. David Humphreys writes that Putnam led Roger's men to action. In his 1905 biography of Putnam, William F. Livingston says that Putnam cared for the enemy's wounded while Rogers would kill them.

Putnam could fight. In one famous battle his command of 45 Rangers, using the primitive weapons of the day, killed 250 of an opposing force of 500 French and Indians. Putnam also joined the Sons of Liberty and fought for the Americans during the Revolution, not against them as did Rogers. Putnam

was in charge of the defense of the Hudson Highlands, and although Alexander Hamilton blamed him for the loss of Fort Montgomery, he contributed to siting the fort at West Point. Though now largely forgotten, Israel Putnam is honored by having his name on counties in eight states.

-- Letter to the editor, *Wall St. Journal*, June 1, 2009

"We are in a battle for the hearts and minds of our own troops"

The time is now near at hand which must probably determine, whether Americans are to be Freemen, or Slaves; whether they are to have any property they can call their own; whether their Houses, and Farms, are to be pillaged and destroyed, and they consigned to a State of Wretchedness from which no human efforts will probably deliver them. The fate of unborn Millions will now depend, under God, on the Courage and Conduct of this army" - Gen. George Washington, to his troops before the battle of Long Island

Such a time is near at hand again. The fate of unborn millions will now depend, under God, on the Courage and Conduct of this Army - and this Marine Corps, This Air Force, This Navy and the National Guard units of these sovereign states.

Oath Keepers is a non-partisan association of currently serving military, reserves, National Guard, peace officers, and veterans who swore an oath to support and defend the Constitution against all enemies, foreign and domestic and meant it.

Our oath is to the Constitution, not to the politicians, and that oath will be kept. We won't "just follow orders."

Below is our declaration of orders we will NOT obey because we will consider them unconstitutional (and thus unlawful) and immoral violations of the natural rights of the people. Such orders would be acts of war against the American people by their own government, and thus acts of treason. We will not make war against our own

people. We will not commit treason. We will defend the Republic.

Declaration of Orders We Will NOT Obey

Recognizing that we each swore an oath to support and defend the Constitution against all enemies, foreign and domestic, and affirming that we are guardians of the Republic, of the principles in our Declaration of Independence, and of the rights of our people, we affirm and declare the following:

1. *We will NOT obey any order to disarm the American people.*
2. *We will NOT obey any order to conduct warrantless searches of the American people, their homes, vehicles, papers, or effects - such as warrantless house-to-house searches for weapons or persons.*
3. *We will NOT obey any order to detain American citizens as "unlawful enemy combatants" or to subject them to trial by military tribunal.*
4. *We will NOT obey orders to impose martial law or a "state of emergency" on a state, or to enter with force into a state, without the express consent and invitation of that state's legislature and governor.*
5. *We will NOT obey orders to invade and subjugate any state that asserts its sovereignty and declares the national government to be in violation of the compact by which that state entered the Union.*
6. *We will NOT obey any order to blockade American cities, thus turning them into giant concentration camps.*
7. *We will NOT obey any order to force American citizens into any form of detention camps under any pretext.*
8. *We will NOT obey orders to assist or support the use of any foreign troops on U.S. soil against the American people to "keep the peace" or to "maintain control" during any emergency, or under any other pretext. We will consider such use of foreign troops against our people to be an invasion and an act of war.*
9. *We will NOT obey any orders to confiscate the property of the American people, including food and other essential supplies, under any emergency pretext whatsoever.*

10. We will NOT obey any orders which infringe on the right of the people to free speech, to peaceably assemble, and to petition their government for a redress of grievances.

There is at this time a debate within the ranks of the military regarding their oath. Some mistakenly believe they must follow any order the President issues. But may others do understand that their loyalty is to the Constitution and to the people, and understand what that means.

The mission of Oath Keepers is to vastly increase their numbers.

We are in a battle for the hearts and minds of our own troops.

Help us win it.

-- www.oath-keepers.blogspot.com

Sharing with unbelievers

Pressure from the Muslim Student's Association has led to the establishment of "Muslim only" prayer rooms, often at public expense, at nine U.S. universities, including Stanford and the U. of Virginia. Where facilities have been established for both Muslim and non-Muslim students Muslims have in some cases taken them over. This is a variant on the demand for segregation, in accordance with the Islamic supremacist mindset that the Muslims are the "best of people" (Qur'an 3:110) and the unbelievers are the "vilest of created beings" (Qur'an 98:6).

Separatist and non-multiculturalist tendencies are alive and well among Muslims in the U.S. - often abetted by ignorant non-Muslim multiculturalists. At Normandale Community College in Minnesota, Muslim students began telling non-Muslim students to leave the school's interfaith space for "meditation". The college even built a barrier to separate the sexes, and posted a sign asking students to remove their shoes. Ralph Anderson, the dean of student affairs, said that Muslim students "prefer that areas be divided into male and female....Other students don't care."

Stealth Jihad by Robert Spencer, pp. 168-69

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